

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON, MASSACHUSETTS

THE M.D. MANAGEMENT CO., LLC, (Petitioner)
ADRIAN E. LEPEDEANU, (Beneficiary,)
MARIANA LEPEDEANU (Spouse,)
R. L. (Child,),
Plaintiffs

Civil Action No.
04 10499 RWZ

vs.

DEPARTMENT OF HOMELAND SECURITY,
U.S. CITIZENSHIP & IMMIGRATION SERVICES,
JOHN ASHCROFT, United States Attorney General,
TOM RIDGE, Secretary, DHS, and
PAUL E. NOVAK, Director, Vermont Service Center,
Defendants

PLAINTIFF'S MOTION FOR SUMMARY JUDGEMENT

Now come the Plaintiffs to request summary judgement in their favor because the Defendants' revocation of their H-1B petition was arbitrary, capricious and not supported by substantial evidence.

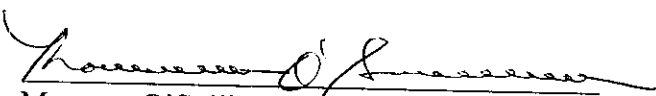
For reasons detailed in the attached Memorandum, the Defendant failed to follow their own regulations. Therefore the decision on appeal in this case should be reversed.

WHEREFORE, the Plaintiffs move for summary judgement to:

- a. Grant M.D. Management's H-1B Petition as of September 6, 2002, the date is was originally granted;
- b. Restore Mr. Adrian Lepedeanu to H-1B status as of September 6, 2002;
- c. Restore Mrs. Mariana Lepedeanu and their child (R.L.) to H-4 status as of September 6, 2002.

Respectfully submitted,

7/21/04
DATE

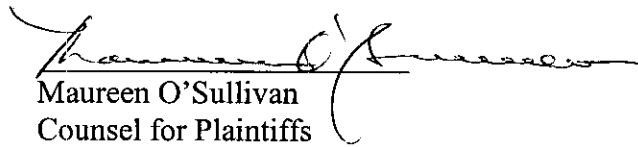

Maureen O'Sullivan
Counsel for Plaintiffs
Kaplan, O'Sullivan & Friedman
10 Winthrop Square
Boston, MA 02110
617-482-4500

CERTIFICATE OF SERVICE

I, Maureen O'Sullivan, hereby certify that a copy of the PLAINTIFFS' MOTION FOR SUMMARY JUDGEMENT AND MEMORANDUM IN SUPPORT OF THAT MOTION in this case were hand delivered or sent by certified mail/federal express to:

Jeremy Sternberg
U.S. Attorney's Office
U.S. Courthouse
Suite 9200
1 Courthouse Way
Boston, MA 02210

This 21st day of July, 2004


Maureen O'Sullivan
Counsel for Plaintiffs
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